

current application will expire simultaneously with U.S. Patent No. 6,572,908. It is respectfully requested that the double patenting rejection be withdrawn.

## II. Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, and 10 – 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 00/48469. Claim 1 was previously amended to recite the use of an **organic acid generated from a salt of the organic acid**.

The Examiner asserts that there is not a patentable distinction between an organic acid and an organic acid generated from its salt because the claims require only an organic acid. Applicants respectfully submit that the organic acid generated from its salt in the present system differs from organic acid added directly to the system. The two possess different physical characteristics.

Applicants have enclosed a declaration under 37 C.F.R. §1.132 by Robert Lalum which states that the acidic mixture generated from a strong acid and an organic acid has different physical characteristics when compared to an acidic mixture generated from a strong acid and a salt of an organic acid. In particular, the mixtures demonstrate varying degrees of ability to extract metals from stainless steel. Thus, in the context of the current claims, there is a clear distinction between an organic acid and an organic acid regenerated from the salt of an organic acid. Depending on which is present, the resultant mixture will possess different physical characteristics.

Applicants respectfully submit that these different physical characteristics and other beneficial effects could not have been predicted based on the knowledge of the effects of the AGIIS solution and the organic acid separately. WO 00/48469 teaches the optional addition of an organic acid directly to an acidic solution. WO 00/48469 does not teach or suggest an acidic composition having an organic acid species generated from its salt which produces increased biocidal characteristics. **Because the acidic composition has unique and unexpected physical properties, it is patentable over WO 00/48469.**

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III. **Conclusion**

Applicants respectfully submit that, in light of the foregoing Amendments and comments, Claims 1, 3, 6, and 10-11 are in condition for allowance. A Notice of Allowance is therefore requested.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

Respectfully submitted,



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Date